

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:99-MJ-210-BR

UNITED STATES OF AMERICA,                          )  
  )  
  )  
Petitioner,    )  
v.    )  
  )  
  )  
SHEROD H. MAIR,                                     )  
  )  
  )  
Respondent.    )

ORDER

This matter is before the court on respondent's *pro se* motion for compassionate release based on COVID-19. (DE # 168.) The court presumes respondent seeks release pursuant to 18 U.S.C. § 3582(c)(1)(A). That statute permits a court to "reduce the term of imprisonment" for specified reasons. 18 U.S.C. § 3582(c)(1)(A). However, it does not apply to respondent because he is civilly committed under 18 U.S.C. § 4243 after having been found not guilty by reason of insanity and therefore is not subject to a term of imprisonment. See United States v. Jensen, No. 16-CV-1661 (SRN/KMM), 2021 WL 1221186, at \*1 (D. Minn. Apr. 1, 2021) (holding § 3582(c)(1) was inapplicable because the defendant "is subject to civil-detention order entered pursuant to [18 U.S.C.] § 4246" and "no longer subject to a term of imprisonment").

Respondent's motion is DENIED.

This 21 January 2022.



W. Earl Britt  
Senior U.S. District Judge